

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE FOREIGN EXCHANGE
BENCHMARK RATES ANTITRUST
LITIGATION

No. 1:13-cv-07789-LGS

**CLASS PLAINTIFFS' NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT WITH DEUTSCHE BANK AG, APPROVAL OF THE
FORM AND MANNER OF NOTICE OF SETTLEMENTS, AND PRELIMINARY
APPROVAL OF THE PLAN OF DISTRIBUTION**

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD

PLEASE TAKE NOTICE that, at a time and date to be set by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, Aureus Currency Fund, L.P.; the City of Philadelphia, Board of Pensions and Retirement; Employees' Retirement System of the Government of the Virgin Islands; Employees' Retirement System of Puerto Rico Electric Power Authority; Fresno County Employees' Retirement Association; Haverhill Retirement System; Oklahoma Firefighters Pension and Retirement System; State-Boston Retirement System; Syena Global Emerging Markets Fund, LP; Systrax Corporation; Tiberius OC Fund, Ltd.; United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund; Value Recovery Fund L.L.C.; J. Paul Antonello, Marc G. Federighi, Thomas Gramatis, Doug Harvey, Izee Trading Company, John Kerstein, Michael Melissinos, Mark Miller, Robert Miller, Richard Preschern d/b/a Preschern Trading, Peter Rives, Michael J. Smith, Jeffrey Sterk,

and Kimberly Sterk (collectively, “Class Plaintiffs”) will, and hereby do, move the Court, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, for entry of (1) a Second Superseding Order Approving the Form and Manner of Notice of Settlements and Preliminarily Approving the Plan of Distribution and (2) an Order:

- (1) preliminarily approving the proposed settlement (“Settlement Agreement”) with Deutsche Bank AG (“Deutsche Bank”);
- (2) certifying classes for settlement purposes;
- (3) appointing Christopher M. Burke of Scott+Scott, Attorneys at Law, LLP and Michael D. Hausfeld of Hausfeld LLP as settlement class counsel;
- (4) appointing Class Plaintiffs as class representatives for settlement purposes;
- (5) approving Huntington National Bank as Escrow Agent;
- (6) approving Garden City Group as Claims Administrator; and
- (7) staying all proceedings in the Action with respect to Deutsche Bank AG and Deutsche Bank Securities Inc. until further order of the Court, except as may be necessary to implement the settlement set forth in the Settlement Agreement or comply with the terms thereof.

Submitted herewith in support of the Motion are the:

- (1) Class Plaintiffs’ Memorandum of Law in Support of Motion for Preliminary Approval of Settlement Agreement with Deutsche Bank AG;
- (2) Declaration of Christopher M. Burke and Michael D. Hausfeld in Support of Class Plaintiffs’ Motion for Preliminary Approval of Settlement Agreement with Deutsche Bank AG and exhibits thereto;

- (3) Declaration of Kenneth R. Feinberg in Support of Class Plaintiffs' Motion for Preliminary Approval of Settlement Agreement with Deutsche Bank AG;
- (4) [Proposed] Order Preliminarily Approving Settlement, Conditionally Certifying the Settlement Classes, Appointing Class Counsel and Class Representatives for the Settlement Classes; and
- (5) [Proposed] Second Superseding Order Approving the Form and Manner of Notice of Settlements and Preliminarily Approving the Plan of Distribution, with exhibits 1-4 thereto:

Exhibit 1: [Proposed] Notice of Class Action Settlements

Exhibit 2: [Proposed] Proof of Claim and Release Form

Exhibit 3: [Proposed] Summary Notice of Class Action Settlements

Exhibit 4: [Proposed] Plan of Distribution

DATED: September 29, 2017

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Of Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be e-mailed to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 29, 2017

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